

FEDERAL DEFENDER SERVICES
OF WISCONSIN, INC.

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May 4, 2017

Honorable James D. Peterson
United States District Court Judge
120 North Henry Street
Madison, Wisconsin 53703

Re: *United States v. Michael Krauter*
Case No. 16-cr-60

Dear Judge Peterson:

Michael Krauter will appear before you for sentencing on Monday, May 8, 2017. The Court should sentence him to the statutory maximum of 20 years' imprisonment. Anything less would defeat the driving sentencing purposes here – public protection and retribution.

Here's why. Krauter and his counsel have entered into a non-prosecution agreement with the Rusk County district attorney.¹ Krauter has agreed to seek a 20-year sentence from this Court; to admit in open court to sexually assaulting four minors;² to notify the district attorney and the sheriff's office if he is released from prison before his death; and to advocate for a supervised release condition

¹ See Letter Agreement, attached hereto as Exhibit A.

² See DE 36, Presentence Report, ¶¶ 69-99.

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forbidding contact or coming near any of the four victims. In return, the district attorney has agreed not to prosecute him for any conduct involving any of the victims.

The prudential reason for a 20-year sentence here should be plain enough. Krauter, his counsel, the district attorney, and the four victims and their families participated in its formation. It aims to avoid the expense and heartache that a state prosecution would generate, but Krauter still must publicly acknowledge responsibility.

None of this changes the Court's duty to do its own independent sentencing analysis. But as a federal sentencing matter, 20 years is the right call. Start with the guidelines. The high-end is 210 months, which is only two-and-a-half years below the statutory maximum. The high-end would be 235 months if his Virginia indecent liberties with a child conviction scored criminal history points, but it doesn't due to its age. So 240 months is hardly a reach. Plus, the crimes described in PSR paragraphs 69 through 99 should persuade the Court that only the statutory maximum—a not a day less—buys the safety that the public deserves and the punishment that justice demands.

Thank you for your consideration.

Sincerely,

/s/ Peter R. Moyers

Peter R. Moyers
Associate Federal Defender